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C O N F I D E N T I A L DAMASCUS 000322

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PARIS FOR JORDAN; LONDON FOR TSOU

E.O. 12958: DECL: 05/07/2018

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SUBJECT: SYIAN NATIONAL COUNCIL DETAINEES REFERRED TO
CRIMINAL COURT ON FELONY CHARGES; RIAD SEIF TO HOSPITAL

Classified By: CDA Michael H. Corbin for reasons 1.4 b and d

11. (C) Summary: A Damascus judge referred founder Riad Seif and president Fida, a Hourani along with 10 other Damascus Declaration National Council (DDNC) detainees to Damascus Criminal Court for felony prosecution on April 16. On April 28, their defense lawyers appealed to the Cassation Court to reverse the judge's decision and to release all the DDNC detainees. DDNC senior member Riad Turk told Emboffs that it was important to disseminate both the judge's ruling and the defense's written appeal in order to show the world how spurious the regime's case against the DDNC detainees is. On May 6, Riad Seif was taken to a Damascus hospital to receive cancer treatment. End Summary.

12. (SBU) On April 16, the Damascus transfer judge Hassan Said referred the 12 Damascus Declaration National Council (DDNC) detainees, including founder Riad Seif and president Fida, a Hourani, to the Criminal Court to face felony prosecution. (Note: In the Syrian legal system the transfer judge reviews the case put together by the government prosecutor and decides whether and with what to charge the accused.) The most serious of the charges included the felonies of "undermining national unity" and "forming a secret organization that aims to change the state structure." The 12 DDNC detainees were also charged with the misdemeanor of "publishing false news that awakens sectarian and ethnic discords."

13. (SBU) On April 28, defense lawyers for the 12 accused DDNC members appealed to the Cassation Court (Syria's highest court) to throw out the transfer judge's decision and release all the detainees asserting the charges were groundless. The defense lawyers argued three points. First, any evidence the security services elicited from the detainees was inadmissible in criminal proceedings under the Syrian Constitution, which holds that the security services are not permitted to involve themselves in criminal matters. Second, the DDNC neither constitutes a party nor an organization under Syrian law. Therefore, the DDNC could not have formed a secret organization. Third, the prosecution failed to explain how calling for democracy weakens the state.

14. (C) In a recent conversations with Post, influential senior DDNC member Riad Turk said that the defense lawyer's arguments, and the government's accusations, should be publicized as widely as possible to demonstrate to the world the innocence of the DDNC detainees and the vacancy of the regime's case.

15. (C) According to human rights activist Razan Zeitunah,

Riad Seif was taken from Adra prison to Dar Shifa, hospital on May 6 for cancer treatment where he remains. The treatment is part of Seif,s on-going regimen of treatment for his prostate cancer. Dar Shifa, hospital is a good private hospital which has a brand new device that administers radiation treatment, the first time such equipment has been available in Syria, according Zeitunah. It is unclear if the arrival of the new equipment is related to Seif,s condition. Despite the radiation treatment, Seif still needs more advanced treatment which is only available in the West.

16. (C) Comment: Post believes that any attention brought to the imprisoned DDNC members would help their situation. The attention would be even more beneficial if it came from non-governmental entities such as the American Bar Association.
CORBIN